App F IX 4

55-16

1946 47

File No

Previous References (Nil)

Serial Nos. 74,75

Later Reference s

ML 67-48(54,55)

GENERAL AND REVENUE SECRETARIAT

Serial Nos

-W- 0

Part B for April 47

SUBJECT

Confirmation of the date of site, Mozamane Extension Shimoga Town Municipality

K 15/33 311 8,29 4 47

The D-C Shimoga

" Comptroller

Passing order re

Confirmation of Sale of Sites in Hosamane Extension Shimoga Town Municipality

App F III 2

General and Revenue Secretariat

File No 6489/L of 1946.

Serial No

From

The Dy Commr - Shimoga Dt

No MM3 pl 272 of 1912/46 dt 29/5/46

Requests Sanction to the Confirmation of the Sales of Sites Nos 25 26 27 and 28 in Hosamane Extension, Shimoga town

1) The Sale was Conducted by the Municipal president on 6 10 46 and has been confirmed by the Municipal Council at their general meeting held on 11 12 46

2) As the Sale amount of each Site exceeds Rs 1000/- Sanction of Govt is necessary under Sec 38 (2) of the Town Municipalities Act

3) under cl (1) of the Sale notification 25% of the Sale amount is required to be paid immediately after the Sale and the remaining 75% within 15 days from the date of the Sale ~~failing which~~

4) There has been delay in the purchasers crediting the Sale amount which the Municipal Council have condoned while confirming the Sale the period of delay in each case is noted below

Site No	Date of Sale Conducted	Name of Bidder	Date of crediting Balance
25	6 10 46	M/s K V Narasappa	12 11 46
26		C M Madhoji Rao	12 10 46 (Rs entire deposit and balance paid)
27		B S Parvathappa	22 10 46
28		Mallappa	22-10-46

25 days delay to pay the Balance

7 days delay to pay the entire deposit

NOTE- Contn Sheet

Serial No

5) It is for consideration whether the delay in paying up the amount may be condoned on which is against the provision of sub-section (2) of the Sale notification as thereby nullifying the Sale may be condoned by the Municipal Council.

6) It may perhaps be necessary to consult the Law Secretariat on the legality of this question aspect of the question.

7) As orders.

8) A - may be done

9) For favour of remarks

Law Secy -

6586 2 MAR 47 GOVT OF MYSORE

(c) Opinion has already been furnished in a similar case (vide 2959/Law - 7233/L) that if the Municipal Council is empowered to frame the sale conditions they have implied power to condone delay Kind reference is invited to the L.G file 7233/L

6634 3 MAR 47 GOVT OF MYSORE

Law Secy

6487/L.

12 The powers of the Law Secretary at para 7 is ultra vires as per Kerala pronouncement

13 Subd for orders upon the validity of the Sale or any other interest as recorded by the Duty Officer

14 Specific powers are not exercised by the Act for the condonation of delay as in the case of Bharatpur Sales under the Land Revenue Rules

15 (16/4(a)) is limited only in para 4 supra, there is a delay of 15 days & 7 days in crediting the balance of the bid amount respectively. The Principle Board of Revenue resolved on 11/12 Feb that the sale may be confirmed, after condoning the delay in this respect

16 The Law section holds that as the Board is empowered to frame the Sale conditions, they have the implied power to condone delay the sale conditions do not contain any provision to condone such

According to [illegible] Court no
of the sale notifications, to date
will have to postpone for reasons
of the balance of the bond amount is not
found within a fortnight fifteen days from
the date of sale thereof as may
to put up the site for auction again I
cannot endorse the delay, in order to
place the matter beyond the doubt
doubt, it is necessary to insert
specified in the sale certificate that the title
and condition is to the effect that the title
title be free to convey in
-Each case up to a fortnight or to the
approved, the D.C. thereafter will be
upon according to a fresh auction
at
17 In the meanwhile, it is for the
the Sale in this case may not be confirmed
respectfully submitted

The delay may be condoned
and the sale confirmed

Chief Secretary for
Rev & Comm) 19/4

Sale of the No 26, cannot [illegible] be
confirmed, as even the initial deposit
has not made on the date of sale this
should result the sale of other lots
may be confirmed
19/4 21/4

OFFICE OF THE MINISTER
FOR REVENUE
No. 9159
Date 21/4/1947

6489/L

Left - Go put up

25 APR 1947

23/4(47)

Go no. L 15133-4/mt 55-ub-7
dt 29 4 47

Confirms the Sale except of 5 mg-rb

To
1) The D o - Shamsha St
2) The Comptroller & Cash

B-30 5 47
RRD 3/4/47

Mc 55'-46-74

6489

Il 272 C 1012/46-47
Encl Receipt

Office of the Deputy
Secretary Central Secretariat

To

The Secretary to Government
Revenue Department
Bombay

Sir

Subject - Conversion of Sale of Sites in
Tardeo Extension Scheme Town Planning Plot

In forwarding herewith an original letter No C3-17/
46-47 dated 19th December 1946 received from the Assistant
Town Municipal Council Bombay on the subject noted above
I have the honour to state as follows

The Municipal Department intends that plots bearing
Nos 25 26 27 and 28 formed in Tardeo Extension Scheme
should be sold by Public Auction on 6-10-1946 subject to
the prescribed conditions in this connection

The names of the auction purchasers and the bid
amounts received in each case are as detailed below

Sl No	Site No			Name of Auction purchaser	Bid amount received
					Rs P
1	25	70'	100	I V Dhanjibhoy S/o Bhikamath Vakhatsingh	2 070/-
2	26	70'	x100'	C J Pochajiwalla Bros Mulkojiwalla Bros	2 005/-
3	27	70'	x100'	B S Bhimani (Auction Purchaser Dhanjibhoy Dorabjee Bhimani on behalf of the Auction B S Bhimani)	1 900/-
	28	70'	100'	Hallappa bin - Hoinappagetti	2 010/-

The entire sale proceeds realised thereby are reported
to have been recovered and credited to the Treasury The
Municipal Council at their General Meeting held on 11-2-46
have communicated the sale of these sites after confirming the
sale subject to the usual terms of regarding the sale

[illegible] contribution in the [illegible] matter

As the sale amount exceeds Rs 1,000/- in each case the Municipal Principal Executive Officer in connection of Consignment [illegible] to the sale of the said rates referred to under Section 80(2) of the - Tamil Municipalities Act 1930.

In the circumstances I request that sanction of Consignment [illegible] alteration to contribute sale of the rates in question subject to the conditions specified in Para 4 and 7 of the said notification issued in this connection.

The entire records pertaining to the issue and returning when done with.

I am to request to be
Sir,
Your most obedient servant,

[illegible]
District Collector
Salem District
(Acting)

G R S App F VI—G 2]

SUBJECT ... Abd

Accept

Diary No of letter replied to .....

Section ML
File No SS-46
Serial No 75

General and Revenue Secretariat

( )

the 194

Proceedings of the Government of His Highness the Maharaja of Mysore

Date of issue .. 29-(11- .. 194)

Signed by ... Con R Rao

Read— Letter No MS pl 272 C 1912/46-47 dated 5 2 47 from the D C Shimoga directing issue of sanction to the sale of sites bearing nos 25 26-27 and 28 formed on Sharavathi extension in Shimoga town by public auction held on 6 10 46 and Order thereon—the delay noted in the margin and praying that the Municipal Council at its meeting held on 11-12-46 has confirmed the sale of these sites, condoning the delay caused in crediting the balance of the bid amount within the stipulated time

May this be—

(i) printed ?

(ii) treated as a standing order ?

(iii) published in the Gazette, English Part ?

(iv) translated ?

(v) placed at the disposal of the press ?

(vi) published in the Gazette, Kannada Part ?

Site No	Name of purchaser	Bid amount Rs
25	K P Narasappa S/o Bhagavantha Venkatappa	Rs 2,070/
26	C N Madhava Rao S/o Thukkaji Rao	Rs 2,025/
27	B S Paravappa (purchase pramanama to his brother B S Parvathappa)	Rs 1,900/
28	Mallappa S/o Honnappa Setty	Rs 2,510/

as per Sale Conditions 55-46-75/d 29/a/(4)
15133-4 ML
order no 6 Govt directed that the
~~Sale of Site No 26 Cancelled~~
~~be Confirmed as even the~~
~~actual deposit was not received~~
~~on the date of Sale~~ The
~~Sale Shall be Treated~~ The
Sale of Sites Nos 25, 27 & 28 be
Sale of ~~the~~ Sites ~~to~~ Confirmed
under Sec 38 (2) of the Punjab
Town Improvement Act 1933

As even the earnest
deposit in the case of
the Sale of site no
26 was not Forfeited
in the case of sale
the sale of the said Site
will Cannot be Confirmed
& should be resold

Yours Rev Secy
No 23/4.

1) The D C Shekupura
2) The Comptroller to Govt

List of Enclosures

Copied by

Examined by

WD 087—GPB—40 000—14 11 40

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

R E A D -

Letter No '43 Pl 279 C 1912/16-47 dated 5th February 1947 from the Deputy Commissioner, Shimoga District, requesting sanction to the sale of Sites bearing Nos 25-26-27 and 28 formed in the Honnamane Extension in Shimoga Town by public auction held on 6th October 1946, as detailed in the margin

Site No	Name of Purchaser	Bid Amount Secured Rs
25	Messrs K V Narasappa, S/o Bhagavatha Venkatappa	2,070/-
26	C M Madhaja Rao, bin Thukkaja Rao	2,025/-
27	B S Paravappa (Purchaser Hirianna bin Doddayellappa for his brother B S Parvathappa)	1,900/-
28	Mallappa bin Honnappa Setty	2,510/-

and adding that the Municipal Council at its meeting held on 11th December 1946 has confirmed the sale of these sites, condoning the delay caused in crediting the balance of the bid amount within the stipulated time as per sale conditions

****

ORDER NO L 15133-4 ML 53-46-75

DATED, BANGALORE, THE 29 APRIL 1946

Government direct that the sale of sites Nos 25, 27 and 28 be ~~comprised~~ confirmed under Section 38 (2) of the Mysore Town Municipalities Act 1933

As even the initial deposit in the case of the sale of site No.26 was not tendered on the date of sale, the sale of the said site held cannot be confirmed It should be resold.

for SECRETARY TO GOVERNMENT
REVENUE DEPARTMENT

To

The Deputy Commissioner, Shimoga District, with Records
The Comptroller to Government of Mysore